

Message Text

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PAGE 01 CAPE T 00606 290721Z
ACTION AF-10

INFO OCT-01 IO-13 ISO-00 MCT-01 SY-05 HA-05 CIAE-00
DODE-00 PM-05 H-01 INR-10 L-03 NSAE-00 NSC-05
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P R 281703Z MAR 78
FM AMEMBASSY CAPE TOWN
TO SECSTATE WASHDC PRIORITY 7016
AMEMBASSY PRETORIA PRIORITY
INFO AMCONSUL DURBAN
AMCONSUL JOHANNESBURG
USMISSION GENEVA
USMISSION USUN NEW YORK 1852

C O N F I D E N T I A L CAPE TOWN 606

E.O. 11652: GDS
TAGS: PINS, PINT, SHUM, SF
SUBJECT: BANNING OF USG OBSERVER FROM PAC TERRORISM TRIAL

REF: STATE 75794,

1. CONGENOFF DISCUSSED QUESTIONS RAISED REFTEL WITH MEMBER OF DEFENSE TEAM MARCH 28. HE INDICATED THAT TEXT OF ALL COURT PROCEEDINGS IN BETHAL TRIAL AVAILABLE FROM LUBBE RECORDINGS IN PRETORIA. EMBASSY PRETORIA HAS BEEN REQUESTED TO OBTAIN AND FORWARD COPIES OF DOCUMENTS CITED PARA 2 REFTEL TO DEPARTMENT AND CAPE TOWN.
2. WITH REGARD POSSIBILITY OF AN APPEAL FROM CURLEWIS' RULING (PARA 3 REFTEL), ATTORNEY SAID SO FAR AS DEFENDANTS ARE CONCERNED ONLY POSSIBLE APPEAL WOULD BE AT CONCLUSION OF TRIAL IN WHICH RULING COULD BE CITED AS AN IRREGULARITY IN CONTEXT OF AN OVERALL APPEAL.
3. AS TO PROPRIETY OF CURLEWIS' RULING, ATTORNEY
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PAGE 02 CAPE T 00606 290721Z

SAID AS HE UNDERSTANDS THE RULING THE GOVERNMENT'S PRIMARY INTENT IS TO HOLD PROCEEDINGS IN CAMERA FOR THOSE WITNESSES WHO HAVE BEEN LISTED AS ACCOMPLICES OR CO-CONSPIRATORS ALTHOUGH HE COULD NOT RULE OUT POSSIBILITY THAT GOVERNMENT MIGHT ALSO HAVE, FOR EXAMPLE, EYE-WITNESSES WHOM IT FELT IT NECESSARY TO PROTECT. HE WAS UNABLE TO SAY HOW MANY OF THE 168 WITNESSES MIGHT IN FACT BE HEARD IN CAMERA.

ASKED WHETHER DEFENSE TEAM LIKELY TO SEEK RECONSIDERATION OF
IN CAMERA PROCEEDINGS FOR ALL OR SOME WITNESSES, ATTORNEY
NOTED THAT QUESTION HAS TO DO WITH CONDUCT OF AN ON-GOING TRIAL
AND THAT COMMENT WOULD BE CONTRARY TO BAR ASSOCIATIONS RULES. HE
THUS DECLINED TO COMMENT DIRECTLY AND ASKED NOT RPT NOT TO BE
QUOTED. HOWEVER, FROM ADDITIONAL REMARKS MADE DURING
THE CONVERSATION, IT WAS MADE CLEAR THAT DEFENSE TEAM HAS
NOT RPT NOT YET ADDRESSED THE QUESTION.

4. COMMENT: DURING COURSE OF CONVERSATION, ATTORNEY SAID
THAT HE WAS SURE USG WOULD FIND SOME OF JUSTICE CURLEWIS'
REMARKS "MOST INSULTING" AND HE WOULD BE "SURPRISED" IF
US AND SWEDISH GOVERNMENTS DID NOT "TAKE THE MATTER UP
WITH BOTHA" (REFERRING TO FOREIGN AFFAIRS MINISTER R.F.
BOTHA). FOR REASONS CITED ABOVE, DEFENSE TEAM SHOULD NOT
REPT NOT BE QUOTED, EVEN INDIRECTLY, ON MATTERS CONCERNING
ON-GOING CONDUCT OF TRIAL.
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